

Introduced by Senator Chesbro

February 22, 2005

An act to amend Section 42301 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 743, as introduced, Chesbro. Solid waste collection: households.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria. The term "curbside collection program" is defined for purposes of those provisions and the board is required to grant a waiver from those requirements if it finds that less than 60% of single-family homes in the state have curbside collection programs that include beverage container recycling.

This bill would make a conforming change in the definition of the term "curbside collection program" for purposes of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42301 of the Public Resources Code is
- 2 amended to read:
- 3 42301. For purposes of this chapter, the following definitions
- 4 apply:
- 5 (a) "Curbside collection program" means a recycling program
- 6 that collects materials set out by ~~homeowners~~ households for

1 collection at the curb at intervals not less than every two weeks.
2 “Curbside collection program” does not include redemption
3 centers, buyback locations, drop-off programs, material recovery
4 facilities, or plastic recovery facilities.

5 (b) “Refillable package” means a rigid plastic packaging
6 container that the board determines is routinely returned to and
7 refilled by the product manufacturer at least five times with the
8 original product contained by the package.

9 (c) “Reusable package” means a rigid plastic packaging
10 container that the board determines is routinely reused by
11 consumers at least five times to store the original product
12 contained by the package.

13 (d) “Manufacturer” means the producer or generator of a
14 product that is sold or offered for sale in the state and that is
15 stored inside of a rigid plastic packaging container.

16 (e) “Rigid plastic packaging container” means any plastic
17 package having a relatively inflexible finite shape or form, with a
18 minimum capacity of eight fluid ounces or its equivalent volume
19 and a maximum capacity of five fluid gallons or its equivalent
20 volume, that is capable of maintaining its shape while holding
21 other products, including, but not limited to, bottles, cartons, and
22 other receptacles, for sale or distribution in the state.

23 (f) “Postconsumer material” means a material that would
24 otherwise be destined for solid waste disposal, having completed
25 its intended end use and product lifecycle. Postconsumer material
26 does not include materials and byproducts generated from, and
27 commonly reused within, an original manufacturing and
28 fabrication process.

29 (g) “Recycled” means a product or material that has been
30 reused in the production of another product and has been diverted
31 from disposal in a landfill.

32 (h) “Recycling rate” means either of the following:

33 (1) The proportion, as measured by weight, volume, or
34 number, that a particular type of rigid plastic packaging container
35 sold or offered for sale in the state, such as a milk jug, soft drink
36 container, or detergent bottle, is being recycled in a given
37 calendar year.

38 (2) The proportion, as measured by weight, volume, or
39 number, that a product-associated rigid plastic packaging

1 container sold or offered for sale in the state is being recycled in
2 a given calendar year.

3 (i) (1) “Source reduced container” means either of the
4 following:

5 (A) A rigid plastic packaging container for which the
6 manufacturer seeks compliance as of January 1, 1995, whose
7 package weight per unit or use of product has been reduced by 10
8 percent when compared with the packaging used for that product
9 by the manufacturer from January 1, 1990, to December 31,
10 1994.

11 (B) A rigid plastic container for which the manufacturer seeks
12 compliance after January 1, 1995, whose package weight per unit
13 or use of product has been reduced by 10 percent when compared
14 with one of the following:

15 (i) The packaging used for the product by the manufacturer on
16 January 1, 1995.

17 (ii) The packaging used for that product by the manufacturer
18 over the course of the first full year of commerce in this state.

19 (iii) The packaging used in commerce that same year for
20 similar products whose containers have not been considered
21 source reduced.

22 (2) A rigid plastic packaging container is not a source reduced
23 container for the purposes of this chapter if the packaging
24 reduction was achieved by any of the following:

25 (A) Substituting a different material type for a material that
26 previously constituted the principal material of the container.

27 (B) Increasing a container’s weight per unit or use of product
28 after January 1, 1991.

29 (C) Packaging changes that adversely affect the potential for
30 the rigid plastic packaging container to be recycled or to be made
31 of postconsumer material.

32 (j) “Product-associated rigid plastic packaging container”
33 means a brand-specific, rigid plastic packaging line that may
34 have one or more sizes, shapes, or designs and that is used in
35 conjunction with a particular generic product line.

36 (k) “PETE” means polyethylene terephthalate as specified in
37 subdivision (a) of Section 18015.

38 (l) “HDPE” means high-density polyethylene.

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